

ORDINANCE NO. 884

**Oregon Smoke Free Workplace Law:**

**Indoor Clean Air Act and Electronic Cigarettes**

**WHEREAS**, the Oregon Smoke Free Workplace Law: Indoor Clean Air Act, to protect workers and the public from secondhand smoke at work and in public places. The City of Vernonia adopts those same provisions now in this ordinance to assist in clarity, uniformity and implementation of the law, and;

**WHEREAS**, electronic cigarettes, which often look like regular cigarettes, are designed to deliver nicotine or other substances to a user in the form of a vapor that is inhaled, and;

**WHEREAS**, neither the electronic devices, nor their component liquids, are currently regulated at the federal level, but the U.S. Food and Drug Administration (FDA) has announced that it intends to do so. In the meantime, the safety and health effects of these products have not been verified or confirmed by the FDA. Consumers currently do not have any way of knowing whether electronic cigarettes are safe, or the amount of nicotine inhaled, or the type and levels of potentially harmful chemicals, and;

**WHEREAS**, analysis by the FDA of two electronic cigarette samples showed that the product contained detectable levels of known carcinogens and toxic chemicals harmful to human health, and;

**WHEREAS**, City of Vernonia has received calls from concerned citizens and business owners, regarding the safety of electronic cigarettes;

**NOW THEREFORE, BE IT ORDERED AS FOLLOWS** by City Council of the City of Vernonia:

**Section 1: Purpose and policy declared**

1. This chapter is enacted in the exercise of the City of Vernonia to protect and preserve public health, safety and welfare in city own buildings, properties and spaces. The use of electronic smoking devices are not permitted at any time:
  - a. within any interior space of facilities owned by the City of Vernonia;
  - b. on all outside property or grounds *that are designated as tobacco free* owned by the City of Vernonia including parks and parking areas; and
  - c. in vehicles owned by the City of Vernonia.
2. It is the specific purpose of the ordinance to provide for and promote the health, safety and welfare of the general public and City of Vernonia employees and not to create or otherwise establish special benefits for any particular class or groups of persons.
3. This chapter is adopted for the benefit of the public generally. Nothing contained in it is intended to nor shall be construed to create or form the basis for any liability on the part of the City of Vernonia, or its officers, employees or agents, for any injury or damaging resulting from failure of any person subject to this chapter to comply with it, of by reason

or in consequences of any act or omission in connection with the implementation of enforcement of this ordinance on the part of the City of Vernonia by its officers, employees, or agents.

## **Section 2 Smoking in Public Places**

The Oregon legislature enacted Chapter 433.835, Smoke Free Workplace Law: Indoor Clean Air Act The Oregon Health Authority, Public Health Division, has amended the Oregon Administrative Rules (OAR) to implement HB 2726 and improve administration of the ICAA.

## **Section 3: Findings – Intent – Electronic Cigarettes**

1. The U.S. Food and Drug Administration (FDA) warn that electronic cigarettes may be harmful to adults. This warning is based on testing of electronic cigarette samples that were found to contain ingredients known for toxicity to humans. Clinical studies about the safety and efficacy of their intended use have not been submitted to the FDA. For this reason, consumers currently have no way of knowing:
  - a. whether electronic cigarettes are safe for their intended use;
  - b. what type or concentrations of potentially harmful chemicals the products contain;
  - or
  - c. what amount of nicotine is present in the products?
2. One danger of electronic cigarettes is accidental poisoning if the liquid nicotine is ingested or absorbed through the skin.
3. The Manufactures of electronic cigarettes market their product as harmless and as a safe alternative to smoking. They also make misleading claims that may impact a young person's decision to use an electronic cigarette which can lead to nicotine dependence. Electronic cigarettes are currently available to you to purchase since, unlike cigarettes, there are no age restriction.

## **Section 4: Definitions**

As used in this chapter, the following terms shall be defined as following:

1. "Electronic smoking devices" or "e-cigarettes" means an electronic or battery operated mechanism, the use of which resembles smoking that can be used to deliver nicotine or other substances to the person inhaling from the device. "Electronic smoking devices" or "e-cigarettes" includes, but are not limited to; electronic cigarette, electronic cigar, electronic cigarillo, electronic pipes and electronic hookah and excluding FDA approved nicotine replacement therapy products for the purpose of tobacco cessation.
2. "Person" means any natural person, individual, corporation, unincorporated association, proprietorship, firm partnership, joint venture, joint stock association or other entity of business of any kind.
3. Vernonia City Property: within any interior space of facilities owned by the City of Vernonia; all outside property or grounds *that are designated as tobacco free* owned by

the City of Vernonia including parks and parking areas; and in vehicles owned by the City of Vernonia.

#### **Section 10 Additional Enforcement Procedures.**

The provisions of this chapter are not exclusive and may be used in addition to other enforcement provisions authorized by Vernonia ordinances, except as precluded by law.

#### **Section 11 Severability.**

The City of Vernonia is authorized to utilize the procedures of this chapter, the City of Vernonia code to enforce violations of this ordinance.

When violations of the chapter are reported, a warning shall first be given to the violator. Any subsequent violation is subject to a civil penalty of up to one hundred dollars (\$100), except as provided in subsection 4 of the section. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

#### **Section 12 Effective Date.**

Under the provisions of the City of Vernonia Charter of 1998, Chapter VIII, Section 32, the Council finds it may provide two readings at the same hearing and that this ordinance may take effect in 30 days from the date of decision.

#### **Section 13 Recorders Duties**

The City Recorder is hereby directed, upon its adoption and authentication, to number this Ordinance as the next adopted ordinance of the City of Vernonia

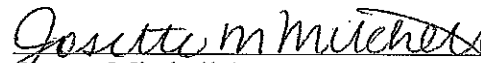
May be read in full if requested:


Read for the First time by title only this 1<sup>st</sup> day of October, 2012

Read for the Second time by title only this 15<sup>th</sup> day of October, 2012 and passed by the following vote:

Ayes: 4 Nays: 1 Abstain: 0 Absent: 0

Signed this 15<sup>th</sup> day of October, 2012

  
Josette Mitchell, Mayor

Attest:   
John M Glass, City Recorder